

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS BENJAMIN ELLINGTON,:	:	CIVIL NO. 3:17-CV-0518
Petitioner	:	
	:	
v.	:	(Judge Nealon)
	:	
MICHAEL OVERMYER, <u>ET AL.</u> ,	:	(Magistrate Judge Mehalchick)
Respondents	:	

**ORDER**

**NOW, THIS 24<sup>TH</sup> DAY OF OCTOBER, 2017**, for the reasons set forth in the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, (Doc. 38), is **ADOPTED**;
2. Plaintiff's motion for extension of time to file objections, (Doc. 39), is **DENIED AS UNTIMELY** as it was filed past the six (6) day additional time given to a prisoner per the mailbox rule;
3. The petition for writ of habeas corpus, (Doc. 1), is **DENIED** and **DISMISSED WITH PREJUDICE**; and
4. The Clerk of Court is directed to **CLOSE** this case.

/s/ William J. Nealon  
**United States District Judge**